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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,496	10/18/2001	Ryszard Sprycha	C-411	7480

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EXAMINER

SHOSHO, CALLIE E

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/982,496

Applicant(s)

SPRYCHA ET AL.

Examiner

Callie E. Shosho

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-8, 15-16, and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhu (U.S. 6,251,175).

Zhu discloses non-aqueous ink comprising polyamide, solvent such as ethanol, up to 2% ammonium hydroxide, and pigment (col.3, lines 9-10, 13, and 30, col.4, line 10, col.5, line 34, and col.7, lines 22 and 28-30,).

Although there is no disclosure that using ammonium hydroxide in the ink results in increase in stability and resolubility of the ink, given that Zhu disclose ink identical to that presently claimed including base as presently claimed, it is clear that the use of ammonium hydroxide in the ink will inherently result in increase in stability and resolubility.

In light of the above, it is clear that Zhu anticipates the present claims.

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3. Claims 1-2, 5-6, 12, 14-16, 19-20, 26, and 28 rejected under 35 U.S.C. 102(e) as being anticipated by Nowak et al. (U.S. 6,425,948).

Nowak et al. disclose non-aqueous ink comprising polyamide, pigment, organic solvent, and 0.1-40% acid such as citric acid or acetic acid (col.2, lines 55-56 and 66-67, col.3, lines 7 and 41, col.6, line 14, and col.7, lines 18-19 and 27-29).

Although there is no disclosure that using acid in the ink results in increase in stability and resolubility of the ink, given that Nowak et al. disclose ink identical to that presently claimed including acid as presently claimed, it is clear that the use of such acid in the ink will inherently result in increase in stability and resolubility.

In light of the above, it is clear that Nowak et al. anticipates the present claims.

4. Claims 1, 3-10, 12-13, 15, 17-24, and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Trauernicht et al. (U.S. 6,247,801).

Trauernicht et al. disclose non-aqueous ink comprising resin, organic solvent which is ethanol or propanol, pigment such as carbon black or phthalocyanine, and 0.1-10% pH control agent including sulfuric acid, acetic acid, hydrochloric acid, alkali metal hydroxide, and triethanolamine (col.2, lines 29-33, col.3, lines 59-60, col.4, lines 10-13 and 47-50, and col.5, lines 7-20).

Although there is no disclosure that using acid or base in the ink results in increase in stability and resolubility of the ink, given that Trauernicht et al. disclose ink identical to that presently claimed including acid and base as presently claimed, it is clear that the use of such acid and base in the ink will inherently result in increase in stability and resolubility.

In light of the above, it is clear that Trauernicht et al. anticipates the present claims.

5. Claims 1-3, 5, 7-10, 15-17, 19, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Mead et al. (U.S. 5,596,027).

Mead et al. disclose non-aqueous ink comprising polyamide, pigment such as monoarylide yellow, diarylide yellow, lithol rubine, phthalocyanine, and carbon black, and 2-15% sodium hydroxide, potassium hydroxide, ammonium hydroxide, ethanolamine, triethanolamine, and dimethylethanolamine (col.4, lines 36-37, col.7, lines 12-39, col.9, lines 50-51, col.10, line 21, and col.12, lines 26-31 and 40-44).

Although there is no disclosure that using base in the ink results in increase in stability and resolubility of the ink, given that Mead et al. disclose ink identical to that presently claimed including base as presently claimed, it is clear that the use of such base in the ink will inherently result in increase in stability and resolubility.

In light of the above, it is clear that Mead et al. anticipates the present claims.

6. Claims 1, 11, 15, 23, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (U.S. 5,922,118).

Johnson et al. disclose nonaqueous ink comprising pigment, solvent, resin (binder), and aminoalcohol which clearly encompasses the specific aminoalcohols presently claimed (col.10, lines 47-49 and col.12, lines 29 and 42)

Although there is no disclosure that using aminoalcohol in the ink results in increase in stability and resolubility of the ink, given that Johnson et al. disclose ink identical to that

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presently claimed including aminoalcohol as presently claimed, it is clear that the use of such aminoalcohol in the ink will inherently result in increase in stability and resolubility.

In light of the above, it is clear that Johnson et al. anticipates the present claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Callie E. Shosho  
Examiner  
Art Unit 1714

CS  
May 17, 2003